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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,230	09/25/2003	Thomas Gauweiler	11884/401202	8715

26646 7590 03/23/2007  
KENYON & KENYON LLP  
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NEW YORK, NY 10004

EXAMINER
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LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2161

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/672,230	<b>Applicant(s)</b> GAUWEILER, THOMAS	
	<b>Examiner</b> Etienne P. LeRoux	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/25/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Status***

Claims 1-21 are pending. Claims 1-21 are rejected as detailed below.

***Abstract of the Disclosure***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the content exceeds 150 words.

Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim rejected under 35 U.S.C. 103(a) as being unpatentable over Pub No US 2001/0056504 (Kuznetsov), hereafter Kutnetsov in view of Pub No US 2004/0003013 (Coulthard et al), hereafter Coulthard.

Claims 1, 15, 20 and 21:

Kuznetsov discloses:

(a) creating in a design environment a file that relates at least one business object [K, e-business, paragraph 19, Fig 8b, invoice] and at least one query [K, paragraph 83, query module]

(b) communicating the file to a mobile device [K, paragraph 104, WAP, PDA, paragraph 106];

(c) storing the file on the mobile device [K, paragraph 40, translation occurs at the receiving node];

(d) transforming [K, paragraphs 40, 83, 90] the file into a binary structure at an initial run [K, paragraph 36] of a computer application running on the mobile device, the binary structure adapted to be read by the computer application

(e) recording the binary structure in a memory of the mobile device [machine executable code implies storage, abstract]

Kuznetsov discloses the elements of the claimed invention as noted above but does not disclose a file that determines metadata. Coulthard discloses a file that determines metadata [Coulthard, abstract, paragraphs 9, 11, 16]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kutnetsov to include a file that

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determines metadata for the purpose of supporting the transfer of resources across the Internet

[Coulthard, abstract]

Claim 2:

The combination of Kuznetsov and Coulthard discloses the elements of the claimed invention as noted above and furthermore discloses wherein the method is adapted to create a database access system [Kutnetsov, paragraph 83, query module]

Claims 3 and 18:

The combination of Kuznetsov and Coulthard discloses the elements of the claimed invention as noted above and furthermore discloses wherein the file is an XML file [Kuznetsov, paragraph 22]

Claims 4 and 19:

The combination of Kuznetsov and Coulthard discloses the elements of the claimed invention as noted above and furthermore discloses determining whether the file has been updated upon a startup of the computer application; and mapping the binary structure by the computer application from the memory if the file has not been updated [Kuznetsov: F contains a translator implies that the translator determines when translation is required, paragraph 40]

Claim 5:

The combination of Kuznetsov and Coulthard discloses the elements of the claimed invention as noted above and furthermore discloses storing at least one of a datestamp and a

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filesize in the memory with the binary structure, the at least one of the datestamp and the filesize uniquely identifying the file corresponding to the binary structure [Coulthard: paragraph 12]

Claim 6:

The combination of Kuznetsov and Coulthard discloses the elements of the claimed invention as noted above and furthermore discloses determining whether the file has been updated includes comparing at least one of a further datestamp and a further filesize of a further file stored on the mobile device with the at least one of the datestamp and the filesize recorded with the binary structure [Coulthard: paragraph 12].

Claim 7:

The combination of Kuznetsov and Coulthard discloses the elements of the claimed invention as noted above and furthermore discloses if the at least one of the further datestamp and the further filesize of the further file stored on the mobile device correspond with the at least one of the datestamp and the filesize recorded with the binary structure, then the file and the further file are identical and the file has not been updated [Coulthard: paragraph 12].

Claim 8:

The combination of Kuznetsov and Coulthard discloses the elements of the claimed invention as noted above and furthermore discloses if the at least one of the further datestamp and the further filesize of the further file stored on the mobile device do not correspond with the at least one of the datestamp and the filesize recorded with the binary structure, then the file and the further file are not identical and the file has not been updated [Coulthard: paragraph 12]

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Claim 9:

The combination of Kuznetsov and Coulthard discloses the elements of the claimed invention as noted above and furthermore discloses repeating operations (d) and (e) for the further file [Coulthard: paragraph 12].

Claim 10:

The combination of Kuznetsov and Coulthard discloses the elements of the claimed invention as noted above and furthermore discloses creating a new file to change the metadata; and repeating the operations of (b), (c), (d), and (e) for the new file [Coulthard, paragraph 12].

Claim 11:

The combination of Kuznetsov and Coulthard discloses the elements of the claimed invention as noted above and furthermore discloses wherein the metadata describes at least one of: actual data; at least one attribute for the at least one business object; at least one relationship between a plurality of business objects; and the at least one query [Coulthard, abstract, paragraphs 9, 11, 16].

Claim 12:

The combination of Kuznetsov and Coulthard discloses the elements of the claimed invention as noted above and furthermore discloses wherein the mobile device includes at least one of a laptop computer and a personal digital assistant [Kuznetsov, paragraph 7].

Claims 13 and 16:

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The combination of Kuznetsov and Coulthard discloses the elements of the claimed invention as noted above and furthermore discloses wherein the recording of the binary structure in the memory includes mapping the binary structure into an address space [Coulthard, paragraph 11]

Claim 14:

The combination of Kuznetsov and Coulthard discloses the elements of the claimed invention as noted above and furthermore discloses mapping the binary structure for a subsequent run of the computer application until the file is updated with a new file [Kuznetsov: F contains a translator implies that the translator determines when translation is required, paragraph 40]

Claim 17:

The combination of Kuznetsov and Coulthard discloses the elements of the claimed invention as noted above and furthermore discloses reading the binary structure at a second running of the computer application [Kuznetsov, paragraph 17].

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on Monday through Friday, 8:00 am - 4:30 pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Etienne LeRoux

March 19, 2007

*Etienne P. LeRoux*  
*primary examiner*